

REMARKS:

Reconsideration of this application and the rejection of claims 1-7 are respectfully requested. Applicant has attempted to address every objection and ground for rejection in the Office Action dated April 3, 2008 (Paper No. 20080329) and believes the application is now in condition for allowance. The claims have been amended to more clearly describe the present invention.

Claims 1-7 stand rejected under 35 U.S.C. § 112 as being indefinite. The Examiner alleges that the claims are generally narrative and indefinite and fail to conform with current U.S. practice. To address these rejections, Applicant has cancelled claim 1 and added new independent claims 8-10, which address the language of the claimed elements in claim 1. Also, each element set forth in the pluralities of elements of claims 8-10 is separated by a line indentation. Claims 2 and 4-7 have been amended to depend from new claim 8, and claims 2 and 4 have been amended to address similar grammatical and idiomatic issues to those of claim 1. Since claims 2-8 now conform with current U.S. practice, Applicant respectfully submits that the § 112 rejection is traversed.

Claims 1-7 stand rejected under 35 U.S.C. § 103(a) as being obvious and unpatentable over the combination of Roemer (US 2,305,033) in view of Smith (US 4,747,224). Accordingly, new independent claim 8 has been added to more clearly show how the present magazine latch is movable and how it engages and disengages the magazine. More specifically, claim 8 recites, among other things, that the magazine latch

may be displaced transversely, against the force of the biasing device, in the one or the other direction, dependent on which grip portion of the magazine latch is pressed. Also, claim 8 recites, among other things, that the lug is movable through the one or the other of the two grooves dependent on the transverse displacement of the magazine latch.

In contrast, the magazine latch in Roemer is only displaceable in one transverse direction (see page 3, left col., lines 60-69). Roemer also features two lugs 49 and two grooves 31; however, each individual lug is only movable through one of the two grooves. Also, Figs 4 and 5 show that the latch in Roemer is only displaceable in one direction; Roemer's latch can only be moved from left to right because the outer wall 34 of the notch 33 impacts the latching-abutment 36 if it is attempted to be moved from right to left.

Smith, on the other hand, discloses an ambidextrous magazine release featuring two separate cam buttons 19, 20 cooperating with a separate lever element 18 that acts as a magazine catch.

The present invention would not be obvious in view of a combination of Roemer with Smith. Combining Roemer with the ambidextrous release of Smith would not provide a magazine catch that is displaceable to the right and left in transverse motion. The cam buttons 19, 20 of Smith are separate pieces that can only be displaced inward; displacing one cam button inward does not cause the entire magazine latch 18-20 to be displaced in a transverse direction. The lever 18, which acts to latch the magazine,

will move in a forward or back direction that is perpendicular to the direction of the cam button displacement. The other cam button will not be displaced at all; it cannot be displaced in the same transverse direction as the other cam because its chamfered flange 19A, 20A limits its motion outward.

There is no suggestion to combine the single piece unidirectional slide-type magazine latch of Roemer with the multi-piece magazine of Smith without significant modification because their latching mechanisms are very dissimilar. Also, it would be extremely difficult to combine the simple sliding mechanism of Roemer with the cumbersome mechanism of Smith, which requires several of single pieces working together. Moreover, it would be very difficult to replace the helical spring of Roemer with the hairpin type spring of Smith without major redesign of Roemer.

Furthermore, this combination would be inoperable for the intended purpose of releasing the magazine. Assuming combining Roemer with the ambidextrous feature of Smith could allow one of Roemer's lugs to line up with either of its two grooves, if the groove selected is the one in the opposite direction from the one intended by the original design of Roemer, the lug would not be movable through the groove because the other lug would be engaging the sliding bar and would block the movement of the magazine. Therefore, the combination of Roemer and Smith, even if it could be made, would be inoperable and fails to disclose or suggest the invention as now claimed. Claim 6 has been amended to address the product-by-process issue raised by the

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Examiner. Accordingly, the § 103(a) rejection based on a combination of Roemer and Smith is respectfully traversed.

Applicant submits that in view of the above-identified amendments and remarks, the claims in their present form are patentably distinct over the art of record. Allowance of the rejected claims is respectfully requested. Should the Examiner discover that there are remaining issues which may be resolved by a telephone interview, she is invited to contact Applicant's undersigned attorney at the telephone number listed below.

Respectfully submitted,

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